

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ROSE et al.

Serial No.: Not yet assigned

Filed: Herewith

Atty. File No.: 4018-1-CON-1

For: "PRODUCT AND METHOD FOR
TREATING JOINT DISORDERS IN
VERTEBRATES"

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Although Applicants do not believe that any fees are due based upon the filing of this Preliminary Amendment, please charge any such fees to Deposit Account 19-1970.

Please amend the above-identified patent application as follows:

IN THE SPECIFICATION:

On page 1, line 6, please delete the first paragraph and replace it with the following rewritten paragraph:

-- The present application is a continuation of U.S. Patent Application Serial No. 09/341,000 filed June 28, 1999, which is a continuation from U.S. Patent No.

) Group Art Unit: 1651

) Examiner: S. Coe

) FIRST PRELIMINARY AMENDMENT

) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 767783119 US
) DATE OF DEPOSIT: January 8, 2002

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS
) MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R.
) 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE
) ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
) 20231.

) TYPED OR PRINTED NAME: Brenda Carpenter

SIGNATURE: Brenda Carpenter

5,916,565, which claims priority from U.S. Provisional Application Serial No.

60/013,025, filed March 8, 1996. --

IN THE CLAIMS:

Please cancel Claims 1-24 without prejudice to or disclaimer of the subject matter contained therein, and add the following new claims:

25. (Added) A composition for the treatment of arthritis, joint stiffness, joint mobility and joint pain in vertebrates, based on 25 pounds of body weight, comprising from about 2 to 55 mg of cayenne, from about 50 to 220 mg of ginger, from about 50 to 400 mg of turmeric, from about 400 to 3000 mg of yucca, from about 200 to 2000 mg of Devil's Claw, from about 100 to 750 mg of nettle leaf, from about 20 to 500 mg of black cohosh, from about 100 to 800 mg of alfalfa, from about 20 to 400 mg of celery seeds, from about 50 to 2000 mg of D-glucosamine HCl; and from about 50 to 2000 mg of mucopolysaccharides.

26. (Added) The composition of Claim 25, wherein the vertebrate is selected from the group consisting of a dog, a horse and a cat.

27. (Added) The composition of Claim 25, wherein said composition has a flavor desirable to the vertebrate to be treated.

28. (Added) The composition of Claim 25, wherein said composition diminishes the oxidative effect of free radicals in joints.

29. (Added) The composition of Claim 25, wherein said composition diminishes the degradation of synovial fluid hyaluronin in joints.

30. (Added) The composition of Claim 25, wherein said composition suppresses the immune response of said vertebrate.

31. (Added) A composition for the treatment of arthritis, stiffness, joint mobility and joint pain in vertebrates, comprising:

- (a) an herbal phytochemical component consisting essentially of a combination of Devil's Claw, alfalfa, yucca, ginger and tumeric; and
- (b) a metabolic precursor selected from the group consisting of glucosamine, glucosamine salts, chondroitin sulfate, mucopolysaccharides and tissue preparations containing chondroitin sulfate, wherein the daily dose of such composition comprises from about 50 to about 2000 mg of said metabolic precursor per 25 pounds of body weight, and from about 2 to about 3000 mg of said phytochemical per 25 pounds of body weight.

32. (Added) A composition for the treatment of arthritis, joint stiffness, joint mobility and joint pain in vertebrates, consisting essentially of:

(a) an herbal phytochemical component consisting essentially of a mixture of ginger, turmeric, yucca and alfalfa; and

(b) a metabolic precursor selected from the group consisting of glucosamine, glucosamine salts, chondroitin sulfate, mucopolysaccharides and tissue preparations containing chondroitin sulfate, wherein the daily dose of such composition comprises from about 50 to about 2000 mg of said metabolic precursor per 25 pounds of body weight, and from about 2 to about 3000 mg of said phytochemical per 25 pounds of body weight.

33. (Added) A composition for the treatment of arthritis, joint stiffness, joint mobility and joint pain in vertebrates, based on 25 pounds of body weight, consisting essentially of from about 50 to 220 mg of ginger, from about 50 to 400 mg of tumeric, from about 400 to 3000 mg of yucca, from about 200 to 2000 mg of Devil's Claw, from about 100 to 800 mg of alfalfa, and from about 50 to 2000 mg of a precursor selected from the group consisting of glucosamine, glucosamine salts, chondroitin sulfate, mucopolysaccharides and tissue preparations containing chondroitin sulfate.

REMARKS/ARGUMENTS

Applicants present claims believed to be patentable, and especially in view of the acknowledged patentability of similar, but not identical compositions as set forth in U.S. Patent No. 5,916,565 and presently pending Patent Application No. 09/341,000. To expedite prosecution, the Examiner is encouraged to contact the undersigned to discuss any issues that may arise during prosecution. Applicants' counsel can be reached directly at (303) 863-2977.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,

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Date: 1/18/02

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

On page 1, line 6, the first paragraph has been replaced it with the following rewritten paragraph:

-- The present application is a continuation of U.S. Patent Application Serial No. 09/341,000 filed June 28, 1999, which is a continuation from U.S. Patent No. 5,916,565, which claims priority from U.S. Provisional Application Serial No. 60/013,025, filed March 8, 1996. --

In the Claims:

Claims 1-24 have been deleted. Claims 25-33 have been added as follows:

25. (Added) A composition for the treatment of arthritis, joint stiffness, joint mobility and joint pain in vertebrates, based on 25 pounds of body weight, comprising from about 2 to 55 mg of cayenne, from about 50 to 220 mg of ginger, from about 50 to 400 mg of turmeric, from about 400 to 3000 mg of yucca, from about 200 to 2000 mg of Devil's Claw, from about 100 to 750 mg of nettle leaf, from about 20 to 500 mg of black cohosh, from about 100 to 800 mg of alfalfa, from about 20 to 400 mg of celery seeds, from about 50 to 2000 mg of D-glucosamine HCl; and from about 50 to 2000 mg of mucopolysaccharides.

26. (Added) The composition of Claim 25, wherein the vertebrate is selected from the group consisting of a dog, a horse and a cat.

27. (Added) The composition of Claim 25, wherein said composition has a flavor desirable to the vertebrate to be treated.

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30. (Added) The composition of Claim 25, wherein said composition suppresses the immune response of said vertebrate.

31. (Added) A composition for the treatment of arthritis, stiffness, joint mobility and joint pain in vertebrates, comprising:

- (a) an herbal phytochemical component consisting essentially of a combination of Devil's Claw, alfalfa, yucca, ginger and tumeric; and
- (b) a metabolic precursor selected from the group consisting of glucosamine, glucosamine salts, chondroitin sulfate, mucopolysaccharides and tissue preparations containing chondroitin sulfate, wherein the daily dose of such composition comprises from about 50 to about 2000 mg of said metabolic precursor per 25 pounds of body weight, and from about 2 to about 3000 mg of said phytochemical per 25 pounds of body weight.

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33. (Added) A composition for the treatment of arthritis, joint stiffness, joint mobility and joint pain in vertebrates, based on 25 pounds of body weight, consisting essentially of from about 50 to 220 mg of ginger, from about 50 to 400 mg of tumeric, from about 400 to 3000 mg of yucca, from about 200 to 2000 mg of Devil's Claw, from about 100 to 800 mg of alfalfa, and from about 50 to 2000 mg of a precursor selected from the group consisting of glucosamine, glucosamine salts, chondroitin sulfate, mucopolysaccharides and tissue preparations containing chondroitin sulfate.